

IMPLEMENTATION TEAM MEETING NOTES

August 16, 2000, 9:00 a.m.-4 p.m.

NATIONAL MARINE FISHERIES SERVICE OFFICES PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The August 16, 2000 meeting of the Implementation Team, held at the National Marine Fisheries Service's offices in Portland, Oregon, was chaired by Brian Brown of NMFS and facilitated by Jacqueline Abel. The agenda for the August 16 meeting and a list of attendees are attached as Enclosures A and B.

The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NMFS's Kathy Ceballos at 503/230-5420 or via email at kathy.ceballos@noaa.gov.

Abel welcomed everyone to the meeting, led a round of introductions and a review of the agenda.

II. Question-and-Answer Session on the Draft 2000 Biological Opinion.

Brown explained that the purpose of today's meeting was to discuss the recently-released draft 2000 FCRPS Biological Opinion, and to give interested parties an opportunity to ask clarifying questions of the NMFS staff members who prepared the BiOp.

A. Performance Standards. Brown provided an overview of the hydro and offsite mitigation performance standards contained in the new BiOp; he noted that the approach NMFS took in the CRI analysis was to evaluate juvenile and adult survival in the hydrosystem against survival in other life-

stages. He said that, for the base period of 1980-1994, for Snake River spring/summer chinook, combined juvenile and adult survival was about 37%. Current combined juvenile-adult survival is estimated to be about 44%; survival under the Reasonable and Prudent Alternative is expected to be about 48%.

Brown spent a few minutes going through one of the charts included in the new BiOp; he noted that the Y-axis of this chart shows the combined effects of all of the other Hs – those factors that are affecting the population beyond adult and juvenile survival. As I said, Brown explained, NMFS is assuming, for the purposes of this Biological Opinion, that we will be able to further improve hydro survival from the 44% level to the 48% level. Each of these lines is one of the different metrics we look at, in ascending order of difficulty, he explained – 5% risk of extinction in 24 years, 5% risk of extinction in 100 years, having at least a 50% likelihood of recovery in 100 years, and having a 50% probability of achieving the recovery level in 48 years (this chart is Enclosure C).

Brown noted that tables 9.2-2 and 9.2-3 in the new BiOp (found on pages 9-10 and 9-12) describe, respectively, the hydro survival standard that this Biological Opinion says will be achieved by 2010, and that level of improvement in the non-hydro Hs that is needed to meet the most conservative of the above-mentioned metrics – achieving the 48-year recovery level.

With respect to Table 9.2-3, for spring/summer chinook, the product of the combined juvenile survival through the system of 56.7% and the combined adult survival of 85% is 48%, Brown said. Those calculations were done for all of the 12 ESUs, he added. Achieving these levels of survival through the hydrosystem is not enough to meet the most conservative of the metrics, however, Brown said – you also need an improvement in offsite survival. In the case of the Marsh Creek stock, he said, the offsite survival improvement needed is on the order of 14%. In general, for all 12 ESUs, the offsite mitigation improvement, in addition to the improvements in hydro survival, needed to achieve the most conservative metric is in the 10%-45% range, Brown added.

Brown devoted a few minutes' explanation to the assumptions NMFS used to develop the survival improvements necessary to avoid jeopardy; the bottom line, he said, is that we assumed that hatchery fish were 20% as effective as their wild counterparts in surviving to adulthood. For the purposes of this BiOp, he explained, we assumed that hatchery fish are 20% as effective as wild fish. If hatchery fish have been more effective than that during the base period, said Brown, then this BiOp is underestimating the level of survival improvement needed to hit the survival and recovery metrics. In other words, greater survival improvements will be necessary in either or both hydro and offsite survival could be necessary to achieve the performance targets.

Brown noted that the "D" value PATH devoted considerable effort to quantifying remains a major uncertainty; this topic is addressed in Section 9.7-7 on p. 9-163 of the new BiOp. In the case of the Imnaha stock, for example, it shows a 45% improvement at the low end and a 430% improvement at the high end. The difference between those two extremes is that the low end assumes there is no

extra mortality associated with the hydrosystem, while the high end assumes that all of the extra mortality PATH was able to identify is caused by the hydrosystem, and would be eliminated if the hydrosystem was removed, Brown explained. In applying this information to setting standards for this Biological Opinion, we used the zero assumption – at a minimum, no matter what future information tells us, we will need at least a 45% improvement in offsite mitigation, together with the improvement in hydro survival, in order to meet the survival and recovery targets and avoid jeopardy, Brown explained.

Given the extremely broad range of factors that may affect the survivability of the ESUs, why did NMFS choose to focus on the minimum survival requirement? Ron Boyce asked. Brown replied that, given the level of uncertainty in the assumptions about hatchery effectiveness and extra mortality, NMFS felt that it was inappropriate to base its conclusions solely on those assumptions. Our analysis told us that, if those assumptions are true, and in the case of Snake River A-Run and B-Run steelhead, a 35,000% improvement in survival, there is no action that could avoid jeopardy for those listed species, said Brown. In the case of extra mortality, things are a little more difficult, Brown said – if the extra mortality is 100% due to the four Lower Snake dams, and would be 100% eliminated if the four Lower Snake dams are removed, then there is an alternative that achieves that standard – you remove the four Lower Snake Dams. However, that’s a pretty large assumption, Brown said – even PATH wasn’t willing to assume that all of the extra mortality was caused by the dams, and that all of that extra mortality would disappear if those projects are drawn down. NMFS felt that the more responsible thing to do, at this point, given the fact that we need to address offsite mitigation under all of the alternatives, was to focus our initial efforts here. We still have dam removal as an option, to be triggered down the road if the performance standards in the Biological Opinion are not met, Brown said. However, drawdown is not what we consider to be the best, first thing to do.

I’m troubled by that logic, given the accelerating extinction risk for many of these populations, said Boyce – isn’t it risky to take the Snake River dam removal option off the table for the next 10 years? It’s not taken off the table for 10 years, Brown replied – that option is off the table only until NMFS issues a failure report on this approach, something we can do at any time if new information tells us such a step is warranted. What this approach says is that we will put all of our efforts into trying to increase survival through the hydrosystem, with the dams in place, while at the same time implementing an all-out effort to improve survival in the other Hs, Brown said. Again, at any point in time, if we get new information that tells us this approach isn’t going to avoid jeopardy, we can issue a failure report, he said. At that point, the action agencies will have two years to come back to us with either a different action, seeking an authority beyond what they have the authority to do now, or it will go to the “God Squad,” Brown explained.

In response to a question, Brown said that, for the recovery and survival metrics included in this BiOp, all of the analysis builds from the CRI results. He said that, shortly after the draft BiOp was released, NMFS learned that CRI found an error in their application of the hatchery fraction he described previously. We will shortly be posting the revised information on the CRI website, said Brown, and we will also be running it through the same spreadsheet analysis that produced these

numbers. What this should do is bring some of the more extreme numbers back down into the level of more reasonable assumptions, Brown said; for the stocks with no hatchery influence, it won't make any difference.

What empirical data, if any, did NMFS have for going with the low end of the estimates? Jim Nielsen asked. The rationale is pretty much as I laid it out before, Brown replied – we looked at the results, at the hatchery uncertainty and the extra mortality uncertainty. In the case of the hatchery uncertainty, when we looked at it, we could see that there was something wrong with that analysis, he explained – it was giving results that, for whatever reason, we didn't feel were very robust. The question then became how to apply reasonable judgement in making a determination based on that information, Brown said; we felt we had the natural river estimates to provide some general scaling of what needed to be done, and we also had some limitations on what we could do with this approach. If we accept the high end of the range, said Brown, that means there is nothing we can do with dams in, and dam removal isn't something the action agencies currently have the authority to do. That would have given the action agencies a choice of either going to a "God Squad" to seek an exemption, or going to Congress with a request for additional authority. On the basis of this information, Brown said, we didn't feel that additional authority was very likely to be forthcoming – if this is the best information we can present as to why we must immediately remove the four Lower Snake dams, we weren't very likely to obtain it.

Al Giorgi asked to what extent it is NMFS' intent, at the five-year and eight-year check-ins, to inform its decisions with additional information as to whether or not the survival objectives are being achieved. It is our intent to do that, Brown replied, although there is little expectation that the level of improvement will be realized within five years – the adult fish we will have on-hand five years from now left this year, and our ability to influence their survival through the hydro actions we've taken, much less actions that were taken in riparian restoration and other off-site mitigation, will be difficult to assess in the short term. Those judgements in Year 5 and Year 8 will likely be made on the basis of whether or not we still feel we can do it, Brown said – are there any early indications that our assumptions were valid, and we might see a 14% improvement through offsite mitigation?

How does NMFS propose to measure that collective offsite survival 20 or 30 years from now? Giorgi asked. There are three components laid out in the performance standards section, Brown replied – programmatic standards (are we doing what we said we were going to do), biological standards (how are the fish doing, how are we doing at achieving biological improvement through the physical actions implemented) and physical standards. Frankly, said Brown, in Year 5 of this program, we're not going to know what effect habitat improvements have had on adult fish production. In the development of the first five-year plan from the action agencies, it will be critical that we define physical performance standards so that we can put in place a monitoring and evaluation program to run through 2005, Brown said – that way, when we get to the five-year check-in point, we will have more than hope and good will about whether or not we can achieve the targets we've laid out. We need to be able to tell whether or not we can really influence things like minimum flows, water temperatures and the

number of screened diversions, said Brown.

Brown observed that the whole point of this package of hydro and offsite mitigation measures is to do everything that can possibly be done, within the existing authorities of the action agencies, to improve juvenile and adult survival. If we conclude, in Year 3, Year 5 or Year 8, that this approach has failed, what we will be concluding is that there is no way to achieve survival and recovery with the dams in place, or within the limits of existing authorities, Brown said. At that point, the action agencies will either need to seek the authority to do something they currently don't have the authority to do, or go to the "God Squad" and argue that there is no way to get to a no-jeopardy situation.

Doesn't Section 8.2 conclude that the proposed action would pose a jeopardy condition for Snake River fall chinook? asked Dave Statler. That's correct, Brown replied – we found jeopardy on eight of 12 ESUs in Chapter 8. As I read that chapter, it seems to conclude that there is nothing substantial that can be done to eliminate jeopardy for fall chinook with the dams in place, Statler said – am I misinterpreting NMFS' conclusion? In general, Brown replied, what we concluded in Chapter 8 was that not only fall chinook, but seven of the other ESUs were jeopardized by the proposed action. However, we go on, in Chapter 9, to lay out an alternative to the proposed action, including both hydro improvements and a level of additional improvement in other life-stages, accomplished through offsite mitigation, said Brown. In Section 9.7, we conclude that that alternative action avoids jeopardy for all 12 ESUs, he said.

Brown directed Statler's attention to Table 9.7-5 on Page 9-158; it summarizes, for all of the ESUs, the estimated survival under both the proposed ("Current") action and under the Reasonable and Prudent Alternative. You are correct that the difference in survival for fall chinook between those two alternatives is pretty small, said Brown – a range between 6% and 15% total juvenile survival and 60% adult survival under the current system, compared to a range of 9%-16% juvenile survival and 72% adult survival under the RPA.

In response to another question, Dan Daley said that, when the action agencies negotiated hydrosystem improvements with NMFS, implicit in that discussion was a feasibility analysis of those improvements. In other words, said Daley, the hydrosystem improvements that are in the draft BiOp are pushing the limits of what we think the hydrosystem can sustain, in terms of additional modifications. We could do that in the hydrosystem because of the level of our knowledge about that system, Daley said; we couldn't really do that in the other Hs, because we don't have sufficient information, as yet. Hopefully, that information can be developed over the next 10 years, he said.

One key point, said Brown – there is nothing magical about the metrics included in this BiOp. NMFS wanted to develop a standardized assessment; picking these four metrics, and concluding that we need to meet the most conservative of the four in order to avoid jeopardy, is simply a way to apply standardization to analyzing the risk information we have in hand.

It's still not clear to me when NMFS will come to the conclusion that the RPA has either succeeded or failed, said Bruce Suzumoto. Everyone has their own definition of success, Brown replied – succeeding in avoiding jeopardy for the listed stocks is one thing, but succeeding in the region's objectives for salmon may be something different. The best answer I've heard to that question is Al Wright's, Brown said – until you achieve recovery of these populations, the pressure will remain on whoever is involved in activities that adversely affect them.

B. Reasonable and Prudent Alternatives. The initial questioning on this topic was focused on the hydro portion of the RPA. Jim Ruff noted that Section 9.6.1 starts off with operational and water management actions; it then moves into juvenile and adult fish passage and water quality actions. These are all actions within the FCRPS, he added – at the eight mainstem projects and the federal storage projects.

One participant asked how NMFS plans to take into account additional information, such as the CSS adult study. The answer is that we will incorporate all of the information that is or becomes available, Ruff replied – we have tried to do that in the draft BiOp, and based the adult passage tables in the RPA on the radio telemetry data, because we felt that was the best information available at the time. However, we will look at the data from the CSS study when it becomes available, said Ruff.

How likely do you feel it is that the suite of hydro actions described in Section 9.6 can be implemented? asked Jim Nielsen. Again, Ruff replied, we're looking for the action agencies to develop one- and five-year plans, the first of which will be developed by January 2001. In those plans, there will be a section on hydro, which will list both operational and fish facility measures. NMFS has identified what we believe is a reasonable suite of actions in this RPA, which will get the system to the performance standard for hydro, Ruff said; we have made assumptions about their effectiveness, but not their feasibility.

Jim Litchfield observed that it may make sense, from the standpoint of making the best use of new information as it becomes available, to emphasize the importance of the annual, rather than the five-year, workplans. Ruff replied that monitoring and evaluation is a key component of the RPA. Obviously, he said, we have much better information on the hydrosystem than we do on any of the other Hs; we will continue to gather that information as we go through the next five years. For example, we fully expect that we will continue the reach survival studies that have been ongoing for several years, and that we will get some very useful information as we improve detection capability at Bonneville Dam and elsewhere.

Is it implicit that the annual plans will also include a review component, an assessment of how we're doing? Litchfield asked. From the action agencies' perspective, Daley replied, it's possible that we may find a silver bullet – maybe just the right amount of flow augmentation will dramatically increase

survival. We need to be able to react to that kind of information, and change priorities as soon as possible. From that standpoint, he said, the annual planning process will be extremely important. Ruff added that both the one- and five-year plans will be done on a rolling basis, and will be updated as new information becomes available – in other words, he said, the five-year plan will not be a one-shot deal, it will be re-done on an annual basis.

Where do the states and tribes fit into the annual planning process? Boyce asked – the BiOp says they will be developed by the action agencies, in coordination with NMFS and the Fish and Wildlife Service. The intent is to use the existing processes for the development of specific funding plans on an annual basis, Brown replied – in the case of hydro actions, that means the existing Regional Forum committees, and in the case of the other Hs, that means the Power Planning Council and CBFWA processes. As we've said, the first set of one- and five-year plans is due in January; that will lead into nine months of discussion on how to translate that into a set of actions to fund in FY'02, Brown said.

Litchfield asked whether or not it will be possible to implement VAR-Q at Hungry Horse this fall. That's really a question for Reclamation, Brown replied; NMFS' approach has been that, as we have reached agreement with the action agencies on specific measures in the course of consultation, we have implemented them, even though the BiOp has not yet been finalized – this year's spill and barging programs being two examples. The Hungry Horse operation will depend on the degree to which that action is challenged, and the willingness of Reclamation to implement it prior to the BiOp being signed, Brown said.

Jim Anderson noted that, while the life-cycle measures in the RPA are based on survival targets, the flow measures are all based on flow targets. Will there ever be a switch to survival targets for flow measures? he asked. I won't say there will never be an alternative approach to setting targets for flow measures, Brown replied; however, you are correct that the current approach to this issue is to set specific flow objectives. During the spring, in particular, that is related more to trying to restore a natural hydrograph than it is to any specific flow/survival relationship data. In the summer, we're simply trying to set flow objectives that move juvenile fish through the system in a reasonable period of time, while at the same time doing what we can to maintain water quality, said Brown.

Boyce asked whether this RPA relaxes the action agencies' responsibility for meeting the spring and summer flow objectives. I was intrigued by the phrase "The action agencies should consider operating the system to meet the flow objectives," he said; it seems to me the wording in the 1995 BiOp was somewhat more stringent. The objectives are as we have outlined in the draft BiOp, Ruff replied; however, NMFS recognizes that it is simply not possible to achieve those objectives in every water year, particularly in the summer period. To be clear, however, if the action agencies use the volumes of water available to them from the storage projects, then they have met their obligations under the Biological Opinion, even if we haven't met the seasonal flow objectives, said Ruff. What, then, is the purpose of setting flow objectives? Boyce asked. They provide a point of reference for in-season

management, Brown replied, adding that there is no interest, on NMFS part, to degrade the requirements relative to flow objectives. Essentially, he said, the flow objectives are a soft constraint; reservoir elevations are a hard constraint. Ruff added that the goal of this RPA was to meet the flow objectives more frequently than has been the case in the past – we were trying to outline actions that will achieve those flow objectives more often, he explained. Daley added that the action agencies interpret this section of the BiOp to mean that they are to do everything possible to meet the flow objectives.

Statler asked why the effects of the Dworshak actions on listed fall chinook rearing in the Lower Clearwater aren't specifically addressed in the RPA. The actions at Dworshak are intended to meet both temperature and flow objectives in the Lower Snake River, Ruff replied – the question of effects on fall chinook juveniles in the Clearwater has been, and will continue to be, addressed through the in-season management process.

Ruff distributed Enclosure D, a summary of the hydrosystem operations, by project, in the 2000 BiOp RPA. This may be a lot of numbers to digest, he said, but essentially what this captures is how hydrosystem operations have changed from the 1995 and 1998 BiOps; it also captures the results of the studies underlying these actions. He said anyone with questions about this information should contact him directly at 503/230-5437.

C. Regional Forum Process Under the Draft BiOp. Brown began by revisiting the development of one- and five-year plans, noting that much of this work will be accomplished through the Regional Forum committees. This approach is intended to establish performance objectives, and to give greater latitude to the action agencies in determining the actions necessary to achieve them. We do specify actions in the RPA, said Brown; however, the section on process also says that, to the extent that, in the course of the annual and five-year planning processes, the action agencies come to NMFS with an alternative action they feel they can support with available scientific information, NMFS will consider that in the annual planning process. In other words, said Brown, NMFS will be willing to consider alternative actions to those laid out in the RPA, if a case can be made that they will bring about the desired results.

Brown went briefly through the mechanics of the one- and five-year plan development process, reiterating that the actual suite of measures to be implemented in a given fiscal year will be decided through the existing Regional Forum, Council and CBFWA processes.

Daley noted that the draft Annual Implementation Work Plan – all of the Council projects Bonneville is being asked to fund – that is currently on his desk includes nearly \$50 million in hatchery projects alone. The BiOp specifies a three-year check-in point, Daley said; based on my reading of the new BiOp, it wouldn't necessarily be advantageous for Bonneville to spend \$50 million on hatchery production. Bonneville recognizes that, in the short term, it may be necessary to agree to fund something that looks like this Annual Implementation Work Plan, said Daley; however, we need to put

the region on notice that, because we have this three-year check-in, we're under the gun to ensure that the Council program and the Biological Opinion are fully integrated by FY'02.

Does NMFS know, at this point, how the annual and five-year planning process described in the BiOp will be integrated with the Council's three-year rolling review process? one participant asked. We're working on that, John Palensky replied – there is a group, including representatives from NMFS, the Council, CBFWA and others, which is talking about that very issue. Brown added that NMFS fully subscribes to the need for integration between the BiOp and Council planning processes.

What about the creation of a forum for policy-level decision-making and dispute resolution, similar to what was attempted in the Executive Committee and the Columbia River Basin Forum? Suzumoto asked - at some point, there is going to need to be a table where the federal parties, the states and the tribes can all sit down at the same table. Has there been any discussion of who might initiate such a process? he asked. Bonneville has certainly thought about that, but I don't have a definite answer for you at this point, Daley replied. BPA is committed to working that out, he said, but it is a fact of life that the ESA does not assume or require regional consensus. My concern is that, unless we get everyone on the same page and talking, nothing is going to get done, Suzumoto said. Brown noted that, while the new BiOp does not propose a solution to this particular issue, it does lay out a detailed process for the development of the annual and five-year work plans; hopefully those plans, and the results of the Council's annual process, will satisfy Bonneville's obligations under ESA. Daley observed that, on more than one occasion, Bonneville Administrator Judi Johansen has said she wants to see a unified plan – in other words, BPA is not interested in separate funding processes for ESA and Council activities.

Bill Tweit said that the single biggest concern Washington has with the new BiOp is the fact that it appears that there are fewer places for the states to provide input than there were under the 1995 BiOp. I don't know whether that was in fact NMFS' intent, he said, but that is our initial impression. In the case of the activities managed through the various Regional Forum processes, my expectation is that there is no material change, in this BiOp, to the level of involvement for the states, Brown replied. One facet where state involvement may be a little different, in this BiOp, is the Bonneville planning area, he said – again, our intent was to give the action agencies the responsibility to develop plans that achieve the performance objectives in the BiOp. That could be a fairly significant change, given the level of influence the Council, the states and the tribes have had over the Bonneville budget in the last several years.

Daley said it is certainly not BPA's intent to reduce the current level of input from the states and tribes. However, one thing this BiOp and the Council plan make clear is that somebody is going to have to make a call at some point, he said – we can either do that cooperatively, or somebody can just make a unilateral decision. It is Bonneville's intent that this be a cooperative, collaborative process, said Daley; obviously, this is an issue that is going to require a lot more regional discussion.

There are two additional things I wanted to point out about this section of the BiOp, said Brown – first, although NMFS doesn't envision the formation of a lot of new committees, some of the existing committees will have some new assignments, particularly in the area of budget planning. He noted that under its current guidelines, the Water Quality Team's responsibilities are limited to technical review; under the new BiOp, that won't be good enough. The WQT will need to take responsibility for working with all of the affected parties to develop a more proactive plan for how the resources that will be made available under this BiOp will be brought to bear in attaining the water quality standards for both TDG and temperature, Brown said.

The second thing I wanted to point out has to do with research, monitoring and evaluation, said Brown. Section 9.6.5 lays out a very ambitious research, monitoring and evaluation program to address some of the key uncertainties we discussed this morning; that activity doesn't currently have a home, under the existing Regional Forum. NMFS is probably going to push for the creation of a team that will do the one- and five-year planning for the research, monitoring and evaluation program, he said, although there may be an existing group that can take on that task.

D. Coordination Between USFWS and NMFS BiOps. Fred Olney noted that he will be attending the September 6 IT meeting, to provide an opportunity for a similar Q & A session on the Fish and Wildlife Service Biological Opinion on bull trout and Kootenai River sturgeon. He provided a brief overview of the USFWS BiOp, noting that there was a significant amount of coordination between NMFS and the Fish and Wildlife Service to avoid potentially conflicting actions in the two BiOps. That isn't to say that all of the conflicts have been resolved, he said; there are still some issues that need further work, likely through the TMT/in-season management process.

He noted that the Fish and Wildlife Service BiOp, like the 2000 NMFS BiOp, mandates the development of one- and five-year implementation and funding plans; the intent is to take a comprehensive approach to meeting the needs of resident fish. He said the Fish and Wildlife Service BiOp, like the NMFS BiOp, supports the implementation of VAR-Q at Libby and Hungry Horse. Olney noted that ramping rates is one area where the potential for conflict between the two BiOps exists; other areas where more discussion is needed include minimum flows at Hungry Horse and Albeni Falls operations. Olney added that the Fish and Wildlife Service has identified 141 sub-populations of bull trout in the Columbia River basin. Paul Wagner said two chum populations have been identified – one in Greys River, one below Bonneville Dam in Hamilton and Hardy Creeks.

With respect to the planned Albeni Falls operation, which calls for alternating years of draw-up and draw-down for research purposes, Field asked whether it might be possible to make the first year of the study a “draw-up” year, in order to protect the good year-class of kokanee in that system. Those are the kinds of comments we're looking for during this review period, Olney replied. However, in NMFS' view, this would be a good year to draw Albeni Falls down to elevation 2051, given the low flows we're currently experiencing in the lower river, said Ruff – if there is any year in which we could use that additional 400 KAF, this would be the year.

E. Tribal Trust Responsibilities Under the New BiOp. Brown noted that, during the months leading up to the release of the draft Biological Opinion, NMFS and the action agencies engaged in a series of meetings with various state and tribal stakeholders in the region. While those meetings were taking place, he said, there was a parallel series of discussions going on which covered many of the same topics. Having released the draft BiOp and the All-H paper, he said, there are still a lot of questions about how we're going to proceed with consultation and coordination with the states and tribes. Personally, he said, I'm looking for some guidance from this group and others about how that can most effectively be done.

Brown noted that the Federal Caucus is in the process of setting up a series of tribal consultations in September. However, I would like to avoid another parallel process, in which the participants are told one thing at one meeting, and something else at another.

Keith Underwood said the Spokane Tribe is very interested in the issue of consultation; they are in the process of developing their recommendations as to how the federal government should consult with the Spokane Tribe. It is hoped that those recommendations will be available by the end of the month; basically, they will lay out what needs to happen for the Spokane Tribe to feel they have been adequately consulted, Underwood said.

Nielsen said a discussion between NMFS and the executive-level Joint Natural Resources Cabinet would be desirable, from Washington's perspective. We'll look into that, and get back to you, he said. Litchfield said Montana is preparing comments on the draft BiOp, but added that he doesn't know whether there will be a need for more formal consultations with Montana. Mike Field said it is likely that Idaho will request a consultation; he added that Idaho will also be providing comments on the draft BiOp.

F. Intended Implementation Dates Under the New BiOp. As most of you are aware, it was NMFS' intent to have this Biological Opinion implemented before the end of the 2000 migrations season, said Brown. As I said previously, a number of the measures included in the 2000 BiOp, notably the spill and transportation programs, were implemented this year.

As far as when the BiOp will actually be signed, said Brown, until the comment period closes at the end of September, that is very difficult to gauge. However, it seems unlikely, to me at least, that this BiOp will be signed before the middle of December, Brown said. We would definitely like to have the BiOp signed by the end of this year, he said; again, however, until we see what people have to say, it's impossible to give you a specific signing date.

III. Next IT Meeting Date.

The next meeting of the Implementation Team was set for Wednesday, September 6 from 9 a.m. to 4 p.m. at NMFS' Portland offices. Meeting notes prepared by Jeff Kuechle, BPA contractor.